

Name is Charles Hamlin and I am here in support of bill 5326.

I am a retired surgeon from Denver, Colorado. Am I an inter-loper? I think not. Connecticut is my geographic DNA. I was born in New Haven and went to college there. My Mother's family was from this state and my father went to Yale Medical School and much of his scientific research was carried out at that fine institution. My niece, Sarah Hamlin, is with us here today. She has a combined law and social work degree from the University of Connecticut and she works as a program manager in the Department of Children and Families.

There are two personal reasons to explain why I flew across the country to be here, reminding myself and encouraging you to see our "last chapter with no moral ambiguity and not as an invisible enemy.

My father, as he approached 80 years of age was diagnosed with a non-resectable, retro-peritoneal sarcoma. There is no cure for this, though possibly some miserable palliative care. He chose the best available option to him then, ice chips and sedation, to reach a peaceful death on his own terms. He was of sound mind. It was his choice. My mother lost her cognitive function through a series of strokes and dementia, lingered for years in "no-person's land." She was not of sound mind. She had not choice.

Woven into the fabric of our society since our its founding are the principles of choice and tolerance. Choice, and the actions based on choice, should, in an ideal world, be personal and private. But ours is a society of laws. In the destiny we all share, in the

democracy of death, it falls on people such as yourselves to ensure the right of choice to the people in your state.

The language and principles in the bill before you go back in our history for a good one hundred years. New York Chief Justice of the 2<sup>nd</sup> Court of Appeals rendered an opinion in a case involving New York Hospital that a person of sound mind has the right to determine what should be done with his or her own body. In 1997, Chief Justice of our Supreme Court, William Renquist, stated in upholding the Oregon Death With Dignity law, that the dialogue of aid in dying was proper in our democratic society and should be continued. In even stronger language, Supreme Court Justice Sandra Day O'Connor opined in another case that "A patient suffering from a terminal illness and who is experiencing great pain has no legal barriers to obtaining medications from qualified physicians, to alleviate that suffering, even to the point of causing unconsciousness and hastening death."

Having turned to history, may I close with a poetic decision written by Judge Nash in an Amicus Brief argued before the New Mexican 2<sup>nd</sup> District on the right of a dying patient to orchestrate a peaceful death with physician assistance.

"This Court cannot envision a right more fundamental, more private or more integral to the liberty, safety and happiness of a New Mexican than the right of a competent, terminally ill patient to choose aid in dying. If decisions made in the shadow of one's imminent death regarding how they and their loved ones will face that death are not fundamental and at the core of these constitutional guarantees, than what decisions are?... This Court

therefore declares that the liberty, safety and happiness interest of a competent, terminally patient to choose aid in dying is a fundamental right under our New Mexico Constitution.”

Thank you, Charles Hamlin MD